

## **NOTICE OF PROPOSAL TO AMEND REGULATIONS**

### **California Code of Regulations Title 15, Crime Prevention and Corrections Division 3, Department of Corrections**

#### **AUTHORITY:**

Under authority established in Penal Code (PC) Section 5058, the Director of Corrections proposes to add to Title 15 of the California Code of Regulations (CCR) Section 3040 which will govern the inmate's participation in work and educational programs.

#### **REFERENCE:**

These regulations implement, interpret, and/or make specific PC Section 5054.

#### **PUBLIC HEARING:**

Date and Time: September 26, 2000, 9:00 a.m.

Place: Department of Water Resources Auditorium  
1416 Ninth Street  
Sacramento, CA 95814

Purpose: To receive comments about this action.

#### **PUBLIC COMMENT PERIOD:**

The public comment period will close September 26, 2000 at 5:00 p.m. Any person may submit written comments about the proposed changes. To be considered by the Department, comments must be received at the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001, before the close of the comment period.

#### **CONTACT PERSON:**

Please direct any inquiries regarding this action to Bonnie Garibay, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001 or telephone (916) 322-9702.

#### **ASSESSMENTS, MANDATES AND FISCAL IMPACT:**

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561; has no fiscal impact on local government, state agencies, federal funding to the State, or private persons. It is also determined that this action has no significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states; small businesses, because they are not affected by the internal management of State prisons. In addition, there are no other nondiscretionary costs or savings imposed on local agencies.

#### **DETERMINATION:**

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected persons.

#### **AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:**

The text of the proposed regulation(s), the Initial Statement of Reasons and all other information upon which the proposal is based (i.e., rulemaking file) are available upon request directed to the Department's contact person.

#### **AVAILABILITY OF CHANGES TO PROPOSED TEXT:**

If any substantial and sufficiently related changes are made to the text as a result of comments received during the public comment period, the Department will make the full text of the changed regulation available for at least 15 days before the date the regulation is permanently adopted.

#### **Informative Digest/Plain English Policy Statement Overview:**

Penal Code Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

Penal Code Section 5058 authorizes the Director to prescribe and amend regulations for administration of prisons.

This action will incorporate into the Director's Rules amended regulations affecting inmate's participation in work and educational programs.

- This regulation amends existing language which will allow the institution head to determine the rotation schedule for inmates working in various assignments throughout the institution.
- This regulation is based upon: 1) the institution's individual security policies; 2) the amount of time staff and inmates interact at the work site; 3) the potential of an inmate becoming overly familiar in a critical work assignment; 4) the potential of an inmate gaining intimate knowledge of the inner workings of the institution; and 5) the need to reduce the dependence of staff upon individual inmate workers.
- This regulation establishes provisions which require inmates assigned to positions involving extensive day-to-day staff/inmate interaction, including, but not limited to, clerks and teacher's aides, be rotated at regular intervals to other assignments within the institution.
- This regulation states that inmates assigned to various positions throughout the institution/facility shall not exceed a two-year period.
- The regulation will place inmates in a comparable work assignment and will allow inmates to retain the same work group/privilege group status, and when possible, retain the same pay level.
- This regulation assures that routine rotation shall not affect the inmates work/training group designation.
- This regulation assures that inmates who are not rotated directly to another position shall continue to earn "S" time pursuant to CCR, Section 3045.3(b)(14).